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| 10/086,095 | 02/27/2002 | Takeshi Kindaichi | OOCL-85 (US-P1544) | 2844 |

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| EXAMINER |
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YE, LIN

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| ART UNIT | PAPER NUMBER |
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2615

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,095

Applicant(s)

KINDAICHI, TAKESHI

Examiner

Lin Ye

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. Figures 3A, 3B, 3C and 3D should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(a) as being anticipated by applicant's admitted Prior Art.

Referring to claim 1, the applicant's admitted Prior Art discloses in Figures 3A and 3D (e.g., the examiner understands the applicant discloses in Figure 3E of the embodiments of

the present invention, a camera for film photography and electronic photography comprising: initial conditions setting means is executed when the camera operation is started and **before 1R and 2R release switches are turned on**; both first setting means and second setting means are **executed in same time** when 1R and 2R release switches turned on; and the first setting means **is after** the initial conditions setting means. However, the claim 1 does not disclose and require those limitations that discussed above. Therefore, the claim 1 is anticipated by the applicant's admitted Prior Art), the Prior Art discloses a camera for film photography and electronic photography (conventional hybrid camera, see page 26, 21-24 and page 27, lines 1-9) comprising: film photography means for exposing a subject image on a film; digital photography means for picking up said subject image with a solid-state image-pickup element and converting it into a digital image signal; first photometry means (See page 24, lines 21-24) for measuring the brightness of the subject with a photometry element (17); second photometry means (see page 25, lines 1-4) for actuating said digital photography means and measuring the brightness of said subject based on the image signal thus obtained; first setting means for actuating said first photometry means and setting the exposure conditions of said film in said film photography means based on the photometry results; second setting means for setting image-pickup conditions of said digital photography means based on the photometry output of said second photometry means; control means for controlling said film photography means based on the exposure conditions set by said first setting means and controlling said digital photography means based on the image-pickup conditions set by said second setting means when a release operation is conducted (release switches 1R and 2R are turned on); and initial conditions setting means for setting the initial

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image-pickup conditions in said second photometry means, said initial conditions setting means actuating said first photometry means when said camera operation is started and setting said initial image-pickup conditions based on the photometry results (when the camera power source turned on as the camera operation is started, in Figure 3D, the initial conditions setting same as the first conditions setting actuating said first photometry means and also for setting the initial image-pickup conditions in said second photometry means, see page 26, 21-24 and page 27, lines 1-9).

Referring to claim 2, the applicant's admitted Prior Art discloses wherein said initial conditions setting means sets the initial value of the gain of an amplification circuit based on the photometry output of said first photometry means (see page 3, 15-21).

Referring to claim 3, the applicant's admitted Prior Art discloses wherein said digital photography means comprises a plurality of optical filters (extinction filter) for adjusting the amount of light incident on said solid-state image-pickup element, and said initial conditions setting means conducts the initial setting of said optical filters based on the output of said first photometry means (See page 3, lines 18-24).

Referring to claim 4, the applicant's admitted Prior Art discloses starting means for making the operation state of said camera shift from the power saving state to the operation state (power source on state) in response to a manual operation (power-on switch), wherein said initial conditions setting means actuates said first photometry means after said camera has been started by said starting means as shown in Figure 3A and 3D.

Referring to claim 6, the applicant's admitted Prior Art discloses wherein said initial conditions setting means sets a gain during amplification of the output signal of said solid-state image-pickup element (see page 3, 15-21).

Referring to claim 7, the applicant's admitted Prior Art discloses in Figures 3A and 3D, a camera for film photography and electronic photography (conventional hybrid camera, see page 26, 21-24 and page 27, lines 1-9) comprising: film photography means for exposing a subject image on a film; digital photography means for imaging said subject image with a solid-state image-pickup element and converting it into a digital image signal; photometry means for measuring the brightness of the subject with a photometry element; initial conditions setting means for actuating said photometry means when said camera operation is started and setting the initial image-pickup conditions of said digital photography means based on the photometry value obtained as a result of said photometry actuation (when the camera power source turned on as the camera operation is started, in Figure 3D, the initial conditions setting actuating said the photometry means and also for setting the initial image-pickup conditions in said digital photography means, see page 26, 21-24 and page 27, lines 1-9); image-pickup conditions setting means for actuating said digital photography means under the image-pickup conditions set by said initial conditions setting means and setting the image-pickup conditions of the next cycle based on the subject brightness values thus obtained (setting repeated several times, see page 26, lines 3-10); and exposure conditions setting means for actuating said photometry means in response to a release operation and setting the exposure conditions of said film exposure means based on the photometry values obtained by said photometry operation (See page 25, lines 17-22).

Referring to claim 8, the applicant's admitted Prior Art discloses in Figures 3A and 3D, a camera (conventional hybrid camera, see page 26, 21-24 and page 27, lines 1-9) comprising: digital photography means (solid-state image-pickup) for picking up digital images of a subject; photometry means for measuring the brightness of the subject with a photometry element (17); and setting means for setting the image-pickup conditions of the next cycle based on the past image-picked-up results of said digital photography means (setting repeated several times based on the past image-picked-up results as shown in Figure 3C), wherein the initial image-pickup conditions of said digital photography means are set based on the output of said photometry means (when the camera power source turned on as the camera operation is started, in Figure 3D, the initial image-pickup conditions are set based on the output of the photometry element 17, see page 26, 21-24 and page 27, lines 1-9).

Referring to claim 9, the applicant's admitted Prior Art discloses wherein the initial photography conditions of said digital photography means are set based on the output of said photometry means obtained when the operation of said camera is started (camera power source tuned on) as shown in figure 3A and 3D.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Ashida U.S. Patent 6,833,864.

Referring to claim 10, the Ashida reference discloses in Figures 1-2, a camera (See Col. 2, lines 64-67) comprising a start switch (power switch, see Col. 4, lines 59-60) of said camera; an image-pickup element (solid state image sensor 16, see Col. 3, lines 2-3); an image-pickup element drive circuit (exposure control part 32, see Col. 3, lines 23-25) for driving said image-pickup element; a signal processing circuit (digital processing part 20, see Col. 3, lines 20-48) for processing the image signal that is formed by said image-pickup element; a photometry element (external photometry device, see col. 3, lines 67-68) for measuring the brightness of a subject; a photoelectric current processing circuit (photometry circuit of the digital processing part 20, see Col. 4, lines 60-63) for processing the photoelectric current output from said photometry element; and a CPU (34, see Col. 4, lines 59-67 and Col. 5, lines 1-5) for actuating said photometry element in response to an operation of said start switch (power switch) and instructing the initial operation conditions of said image-pickup element to said image-pickup element drive circuit based on the data on the brightness of the subject processed by said signal processing circuit.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted Prior Art in view of Ashida U.S. Patent 6,833,864.

Referring to claim 3, the applicant's admitted Prior Art discloses all subject matter as discussed with respect to same comment as with claim 1, except that the Prior Art does not explicitly show a photoelectric current processing circuit for processing the photoelectric current output from said photometry element.

The Ashida reference teaches in Figures 1-2, a camera comprising a photometry circuit of the digital processing part 20 for processing the photoelectric current output from a photometry device (See Col. 4, lines 59-67). The Ashida reference is evidenced that one of ordinary skill in the art at the time of the invention to see more advantages a photoelectric current processing circuit for processing the photoelectric current output from said photometry element so that the CPU of camera can recognize the information of brightness of the subject and set a proper initial operation conditions very quickly based on the processing result after a power switch is turned on. For that reason, it would have been obvious one having ordinary skill in the art at the time of the invention was made to modify the system of the applicant's admitted Prior Art by providing a photoelectric current processing circuit for processing the photoelectric current output from said photometry element as taught by Ashida.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ashida U.S. Patent 6,833,864 in view of Kobayashi et al. U.S. Patent 6,750,911.

Referring to claim 11, the Ashida reference discloses all subject matter as discussed with respected to same comment as with claim 1, except that the Ashida reference does not explicitly show in image-pickup operation of the second cycle and subsequent cycles of said image-pickup element, sets the operation conditions of the next cycle based on the image signal obtained by the previous image-pickup operation.

The Kobayashi reference teaches in Figure 15, a camera comprising an image-pickup element (CCD imager 20) and a image-pickup element drive circuit (microcomputer 40, see Col. 4, lines 46-47); and in image-pickup operation of the second cycle and subsequent cycles of said image-pickup element, sets the operation conditions (i.e., shutter speed) of the next cycle based on the image signal obtained by the previous image-pickup operation (the pre-exposure, see Col. 8, lines 14-26). The Kobayashi reference is evidenced that one of ordinary skill in the art at the time of the invention to see more advantages a camera calculates a next-time camera operation conditions based on a camera signal obtained by the pre-exposure and repeats the operation several times so that to accurately calculate a shutter speed at which a desired exposure is to be obtained (optimal shutter speed, see Col. 8, lines 35-40). For that reason, it would have been obvious one having ordinary skill in the art at the time of the invention was made to modify the camera system of Ashida by providing an image-pickup element drive circuit that sets the operation conditions of the next cycle based on the image signal obtained by the previous image-pickup operation as taught by Kobayashi.

Conclusion

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Ohsawa et al. U.S. 6,477,332 discloses a hybrid camera has a light-measuring sensor (42) that is provided for obtaining information on the luminance of the object of shooting.
 - b. Malloy Desormeaux U.S. 6,408,140 discloses a dual film image and electronic image capture camera matches the captured electronic image shown in an image display with the captured film image.
 - c. Nakakuki et al. U.S. 6,822,689 discloses exposure control for a solid-state imaging apparatus can be completed in a short time.
 - d. Lourette et al. U.S. 5,978,016 discloses a hybrid camera includes both a digital imaging system and a silver-halide imaging system.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lin Ye
Examiner
Art Unit 2615

March 21, 2005